



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON DC 20314-1000

February 12, 2019

Michael Best
MuckRock Department MR 33448
411A Highland Ave
Somerville, MA 02144-2516

Dear Mr. Best:

This letter responds to your Freedom of Information Act (FOIA) appeal dated April 7, 2017.

You submitted a FOIA request to the U.S. Army Corps of Engineers, which was forwarded to the USACE Omaha District, requesting files related to "the North Dakota Pipeline or to the Standing Rock Indian Reservation." Your FOIA request was assigned tracking numbers FA-17-0046 and FP-17-011062. The USACE classified your request in the commercial request fee category. You have appealed this fee category designation.

We have determined that the Omaha District improperly based your fee category on the identify of your agent that submitted your request. After carefully considering the issues your appeal presents, we have remanded your case back to the Omaha District for further consideration. The USACE Omaha District office has been provided with a copy of this letter and will respond directly to you.

If you believe the Omaha District's response to this remand violates the FOIA, you may appeal to this office or e-mail me at Damon.A.Roberts@usace.army.mil. This letter constitutes final action on behalf of the USACE Chief Counsel, delegated responsibility to consider USACE appeals under the FOIA by the Army General Counsel.

Sincerely,

A handwritten signature in black ink, appearing to read "Damon A. Roberts", is located below the "Sincerely," text.

Damon A. Roberts
Assistant Chief Counsel